



Commonwealth of Kentucky
KENTUCKY EMERGENCY RESPONSE COMMISSION
Boone Center
Frankfort, Kentucky 40601-6168
502-607-5712

SUPERFUND AMENDMENTS AND REAUTHORIZATION ACT
TITLE III – EMERGENCY PLANNING AND COMMUNITY
RIGHT-TO-KNOW ACT OF 1986
KRS. CHAPTER 39E/106KAR 1:091 AND 1:121

GUIDELINES FOR LOCAL EMERGENCY PLANNING COMMITTEE GRANTS

MARCH 2006

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LOCAL EMERGENCY PLANNING COMMITTEE GRANT APPLICATION PROCESS

April 1

No later than April 1, the Kentucky Emergency Response Commission notifies each Local Emergency Planning Committee of the amount of money AVAILABLE to each eligible LEPC along with a notice of grant eligibility status.

The amount of money available is based upon the supposition that each LEPC is eligible and will apply for funds. This formula is contained in 106 KAR 1:121 Section 1(2)(d).

The actual amount of funds awarded is based upon the number of eligible LEPCs which request funds. This formula is contained in 106 KAR 1:121 Section 1(3).

May 1

No later than May 1, LEPCs submit grant requests on form SARA-303 to the KyEM Area Manager.

June 1

No later than June 1, KyEM Area Managers review the LEPC grant request form SARA-303 for completeness and conformance to statutes and regulations, notes recommendations and forwards to the Chairman of the Kentucky Emergency Response Commission or designee.

July 1

No later than July 1, the Chairman of the Kentucky Emergency Response Commission or designee reviews the LEPC grant request received from the KyEM Area Manager for completeness conformance to status and regulations, notes recommendations and forwards to the Grant Review Committee of the Kentucky Emergency Response Commission.

August 15

No later than August 15, the Grant Review Committee reviews all grants received from the Chairman, or designee, makes recommendation to the Kentucky Emergency Response Commission pertaining to the grant award.

September 15

No later than September 15, the Kentucky Emergency Response Commission will make the grant awards.

NOTE: Monitoring of the grants is an on-going process.



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GUIDELINES FOR LEPC GRANTS KRS 39E.050/106 KAR 1:091

INELIGIBLE ACTIVITIES

Requests for emergency response training, travel or related activities are not eligible under this grant. While response training is an extremely important aspect of community preparedness, it falls outside of the specified duties of a Local Emergency Planning Committee (LEPC).

KRS 39E.050 clearly states that funds collected under this authority must be used for the administration of the SARA Title III program at the state and local level. An LEPC's specified responsibilities include: development of plans to respond to a chemical release, receive and maintain reports and make information available.

The Kentucky Emergency Response Commission (KyERC) recognizes the interrelatedness of emergency response and emergency planning, especially since many members of an LEPC are representatives of community emergency response agencies. To support this extremely important activity, support for emergency response training is available through other funds managed by the Kentucky Emergency Response Commission.

GRANT APPLICATION PROCESS

LEPCs must work with the Kentucky Division of Emergency Management (KyEM) Area Manager in the development and implementation of the grant application and award

A summary, including due dates, of the Grant Application Process is on page ii.

All required documentation for grant applications and grant implementation **MUST BE SUBMITTED TO THE KyEM AREA MANAGER**. No documentation that has bypassed the Area Manager will be accepted.



All required documentation of expenditures of the grant award must be submitted to the KyEM Area Manager by the end of the month in which money was expended. For example, if an LEPC purchases an item in November, documentation for that item must be submitted by November 30 to the KyEM Area Manager. The Area Manager will review this documentation and retain it at the area office until May 1 at which time it will be associated with your grant application.

Documentation (as outlines above) of expenditures is required whether or not an LEPC intends to make subsequent grant applications. No later than June 1, the area office will then forward the documentation to the Kentucky Emergency Response Commission.

LEPCs must comply with 106 KAR 1:091 Section 3 which sets forth the procedures for requesting financial assistance.

ELIGIBILITY STATUS

Eligibility must be established during the calendar year proceeding the due date of the grant application. For example, the grant application is due May 1, therefore eligibility must be established January through December of the previous year.

Upon review of the LEPC requirements, on April 1, a letter will be mailed to the Local Emergency Planning Committee, copy sent to the KyEM Area Manager, notifying the LEPC of their eligibility status.

ADDITIONAL INFORMATION REQUESTED

Upon review of LEPC eligibility requirements, the KyEM Area Manager, KyERC designee or Grant Review Committee may determine that additional information is required to either establish eligibility or make a recommendation for a grant award.

Failure to provide the requested additional information means the LEPC will be considered ineligible to apply for funding in accordance with 106 KAR 1:091.

AWARD LETTERS

Letters notifying the LEPC of the grant awards will be mailed to the Area Manager along with the check and receipt form KyEM 303A. The Area Manager will either forward the check by mail or deliver it in person. The receipt form KyEM 303A must be signed by the LEPC's Authorized Applicant at the time of the transaction. The Area Manager will be responsible for ensuring that the receipt is signed and returned to the KyERC designee.

REQUESTS FOR ADMINISTRATIVE CHANGES

An LEPC could find that its scope of work has changed, thus necessitating a change in the expenditure of funds in one or more budget categories. To accommodate such situations, the KyERC has authorized the following process:

1. LEPC must complete SARA-303 marking "Administrative Change" across the top of the form.
2. On the back of the form, indicate the change in the appropriate budget category. Give an explanation of the change and provide enough information for a clear determination by the KyEM Area Manager and the KyERC designee.
3. The request for administrative change should be forwarded to the KyEM Area Manager who will review, make a recommendation and forward to the KyERC designee.
4. The LEPC's Authorized Applicant will receive notification from the KyERC designee indicating approval/disapproval of the request for administrative change.

THIS PROCESS MAY BE USED ONLY WHEN THE AMOUNT OF MONEY ALLOCATED IS NOT AFFECTED. THIS PROCESS IS FOR REALLOCATING DOLLARS WITHIN BUDGET CATEGORIES.

The REQUEST FOR MODIFICATION process on page 5 must be used for any requests that result in a change in the amount of grant award.

COMMISSION-APPROVED TRAVEL

Commission approved travel is defined as travel necessary to implement SARA Title III at the local level (in accordance with P.L.99-499, KRS 39E and 106 KAR 1:081, 091, 101, 111, 121 and 131). The activities must clearly fall within the specified responsibilities of an LEPC.

County and Statewide Travel - Travel within a county or statewide to perform the specified responsibilities of an LEPC is considered "commission-approved" and does not require written approval.

Out of State Travel - Requests to travel out-of-state to perform the specified responsibilities of an LEPC must be submitted through the Area Manager to the KyERC designee. A letter or note describing the proposed travel is sufficient. The KyERC designee will respond in writing.

Reimbursement will be in accordance with the Finance and Administration Cabinet's regulations on travel expense and reimbursement.

COMMISSION APPROVED TRAINING

Emergency response training is excluded under this grant but is available through other funds managed by the KyERC.

Commission approved training is defined as training necessary to enable LEPC implementation of SARA Title III programs and activities at the local level (in accordance with PL 99-499, KRS 39E and 106 KAR 1:081, 091, 101, 111, 121, and 131).

The "Commission Approved Training Course" list approved the KyERC sets forth the specific courses that are eligible for funding. As stated above, **emergency response training is excluded** under this grant. Therefore the emergency response training courses on this list are not fundable through this grant but may be accessed through other funds managed by the KyERC.

Courses not on this list **will not be funded** through any funding source managed by the KyERC. However, because it is a comprehensive list, it also includes response training. This list will be updated as necessary and will be distributed to LEPCs and Area Managers.

County and Statewide Training - Training within a county or statewide to perform the specified responsibilities of an LEPC is considered "Commission Approved" and does not require written approval as long as the training course is listed on the "Commission Approved Training Course" list which was approved by the KyERC.

Out of State Training - requests for out of state training by an LEPC must be submitted in writing by the LEPC, through the KyEM Area Manager. The training must support the LEPC's specified responsibilities to implement the SARA Title III program. A letter or note describing the proposed training is sufficient. The KyERC designee will respond in writing.

FISCAL GUIDELINES

FINANCE AND ADMINISTRATION CABINET WAIVER S-93-478

The Finance and Administration Cabinet has authorized a Delegation of Authority to Local Emergency Planning Committees. This means an LEPC DOES NOT have to purchase goods and services from the State Price Contract List unless the purchases exceed \$5,000.

The waiver applies to any approved budget category on SARA-303.

NOTE: LEPCs must still comply with all other grant guidelines and requirements.

The following purchase conditions apply:

1. Purchases under \$4,000 - LEPCs may make purchases of goods and services from any available source without using price contracts.
2. Between \$4,000 - \$10,000 - LEPC must obtain three (3) price quotes from any qualified sources and select the vendor offering the best price.

Price quotes may be taken in person or by telephone but must be fully documented as follows:

Name of vendor and/or name of vendor representative
Date of price quote
Description of goods or services
Price

This price quote documentation must be in writing either by the LEPC or by the vendor.

3. Over \$10,000 - LEPC ***MUST*** use the State Price Contact

GRANT YEAR

The grant year is September 1 through August 31. Grant money should be spent during this time. However, an LEPC will not be penalized for carrying over money.

CARRY-OVER MONEY

There is a line on the grant application entitled: "Carry-over monies". If for some reason money is earmarked for a purchase that cannot be made during the grant year, the LEPC will not lose that money. All carry-over money must be documented and attached to the next year's grant application.

Any carry-over money must be marked with an asterisk on your next grant application. A sample SARA-303 showing how to document carry-over money is on page 10.

REQUESTS FOR MODIFICATIONS

If the LEPC or State Agency is unable to expend the funds for the purpose for which the grant was awarded, and does not plan to carry the money over until the next year, funds must be returned to the KyERC as set forth in 106 KAR 1:091 Section 4.

FUNDING ACCOUNTABILITY

Funding accountability is set out in 106 KAR 1:091 Section 6 and applies to any money an LEPC receives from fees generated under 39E.050.

DEPOSIT OF FUNDS RECEIVED

Funds must be deposited an account named: (Name of County) Emergency Planning Committee Fee Account.

Per Department of Finance: Because an LEPC is considered an agent of the state and part of the state commission (KRS 39E.100), grant money received by an LEPC cannot be co-mingled with other county funds.

Any funds received by an LEPC from ANY source must be deposited in the county's LEPC account and cannot be co-mingled with county funds.

EMPLOYER IDENTIFICATION NUMBER

Each LEPC should file Federal Form SS-4 to receive an Employer Identification Number (EIN). An EIN is required by the bank when an account is opened for deposit of grant funds.

SALES AND USE TAX EXEMPTION

Each LEPC should file Kentucky Form 51A125 and 51A126 which is an application for purchase exemption for sales and use tax. This allows the LEPC to make purchases without having to pay sales and use tax to the supplier required by the Revenue Cabinet. The county must reimburse any sales taxes paid on purchases from the LEPC account.

BYLAWS

An LEPC must have basic bylaws that conform to the guidance provided in Robert's Rule of Order. In addition, the bylaws must identify the position or person responsible for funds and identify the Authorized Applicant as contained in 106 KAR 1:091 Section 6(2).

DOCUMENTATION FOR GRANT MONEY

Documentation of expenditures for the preceding year must accompany each grant request submitted, except for an initial grant request. LEPCs are required to submit documentation of expenditures to the KyEM Area Manager. The Area Manager will review and retain documentation at the Area Office until May 1 at which time documentation will be associated with the next year's grant application and forwarded to the KyERC designee. If no new grant application is submitted, the documentation will be forwarded to the KyERC designee on June 1.

All documentation received by the Area Manager between May 1 and August 31 will be forwarded to the KyERC designee no later than September 15.

Documentation means:

1. Two signatures cancelled checks for all expenditures. If the bank is no longer returning cancelled checks, the following will be accepted:
 - a. Copy of the face of the check. Make sure two signatures appear
 - b. Copy of the bank statement showing where the check cleared the bank.
2. Receipts/invoices for all expenditures
3. Complete inventory list (SARA 303-I) of all purchases of office furniture, filing cabinets and computer equipment. This list shall be comprehensive and include all items funded in any/all previous grant allocations.
4. If a personal service contract is involved, provide the name of the person providing the service, rate of pay, number of hours worked and work performed.
5. All money must be accounted for. If an LEPC has carry-over money, the bank statement must equal the money spent and the carry-over money.
6. If no money is spent, a bank statement is required accounting for all funds.
7. The form entitled "Expenditures for LEPC Worksheet" or equivalent may be used when submitting expenditure documentation to the KyEM Area Office.

AUDITS

All funds are subject to audit by the KyERC and the State Auditor of Public Accounts. LEPCs are asked to maintain a simple accurate record that meets basic accounting and auditing requirements.

COMPLIANCE

Grant awards approved by the KyERC may be withheld for noncompliance with KRS 39E and subsequent administrative regulations and for failure to provide required documentation.

CONTRACTS

Contracts for personal services and equipment shall be in conformance with state laws and regulations.

EQUIPMENT/FURNISHINGS

Surplus Property: You may be eligible to purchase surplus property. If you wish to participate, appropriate forms must be completed and returned to the Finance and Administration Cabinet. Contact your Area Manager for assistance.

Insurance: Equipment and furnishings purchased by an LEPC may be included under existing insurance programs at no cost to the LEPC. To have insurance coverage you must account for all equipment and furnishings on your Inventory List.

Inventory List: All equipment and furnishings must be listed on your inventory to comply with insurance and accountability requirements. Please be sure to list a serial number for each piece of equipment.

In January of each year the Facilities Property Officer will send out a list of equipment for all of the LEPCs to each KyEM Area Managers. The Area Managers will send the list to the appropriate LEPC. The LEPC will review the list for accuracy. If any equipment has been added or deleted the LEPC will complete and submit an AGO 26-2 Personal Property and Maintenance Form.

NOTE: If an item is donated, please put "Donated" in the cost column of the Inventory List.

Disposal of Equipment:

Software is not required to be included on the inventory list under the Finance and Administration Cabinet regulations.

Real Property (computers, desks, chairs, etc.)

Property no longer needed, broken, no longer serviceable, etc. should be turned in to the property Officer Supervisor utilizing AGO Form 26-2.

Transfer property from LEPC/State to county entity by approval from DMA Property Officer Supervisor and the Finance and Administration Cabinet utilizing Form B217-42A and a letter from the LEPC.

Transfer property from LEPC to another LEPC by approval from DMA Property Officer Supervisor and the Finance and Administration Cabinet utilizing Form B217-42A and a letter from the LEPC turning in the property.

Trade in property for new property if a deal can be made with the supplier after requesting and receiving permission from DMA Property Officer Supervisor and Finance and Administration Cabinet utilizing form B217-42A and a letter from the LEPC.

NOTE: Forms 26-2 and B217-42A may be obtained from David Chaffin, DMA Property Officer Supervisor.

Report lost or stolen property and submit a Police Report immediately to the DMA Property Officer Supervisor.

KENTUCKY EMERGENCY RESPONSE COMMISSION FEE ACCOUNT FUND

Grant Application for Grant Period 1/1/___ to 12/31/___

DUE DATES

LEPCs to AM 4/1
 AM to State 5/1
 Final Award 7/15

Received by AM _____
 Reviewed by AM _____

Received by State _____
 Reviewed by State _____

AUTHORIZED APPLICANT

_____ Emergency Planning Committee
 (Local Planning District Name)

_____ Enter total number of Tab Q-7s with Extremely Hazardous substances in your county.

GRANT RECIPIENT

Checks shall be made payable to and mailed to the AUTHORIZED APPLICANT. The authorized applicant is the emergency planning committee which is authorized to apply for and manage the grant. The authorized applicant shall provide the name _____ and phone number _____ of the designated contact person. The authorized applicant shall provide the name _____ and address _____ of the bank where the check shall be deposited.

_____ Emergency Planning Committee _____
 (Local Planning District Name) (County Code)

Street Address _____

City and Zip Code _____

LEPCs shall submit grant request form SARA/303 to their State division of Emergency Management Area Manager. All required documentation shall accompany the form. Incomplete grant request forms may delay processing and may result in invalidating the request.

State agencies shall submit grant request form SARA303 to the chairman, or designee, of the Kentucky Emergency Response Commission. All required documentation shall accompany the form. Incomplete grant request forms may delay processing and may result in invalidating the request.

CERTIFICATION

I, the undersigned, certify to the Kentucky Emergency Response Commission that all the information is true and accurate. I further represent that the money received under this grant program will be used for the administration, development and implementation of the Kentucky Emergency Planning and Community Right-to-Know program, known as SARA Title III, within guidelines mandated by PL 99-499/title III, KRS Chapter 39E and subsequent regulations.

 Name, Title and Date
 SARA/303

GRANT APPLICATION/AWARD FORM

Grant Application for Grant Period _____

ATTACHMENTS

Detailed budget sheet for each budget category you request

Documentation for preceding year's award

Copy of published DES/SARA-324

Bylaws - required if you have not previously submitted them

INELIBIBLE ITEMS: Emergency response equipment and reimbursement for emergency response and/or cleanup of a release.

BUDGET CATEGORIES	GRANT REQUEST	GRANT AWARD
Right to Know responsibilities-includes legal notice DES/SARA-324	\$\$\$\$	\$\$\$\$
Data Management - includes receiving and maintaining data under 302© KRS 39.845; 304/KRS 39.840(b), 311/312/KRS 39.840(c)	\$\$\$\$	\$\$\$\$
Telephone - includes 24 hour warning point for releases and cost of telephone for LEPC business	\$\$\$\$	\$\$\$\$
Services - includes contracts* to support KRS 39.800 to KRS 39.990 (Must comply with state laws and regulations.	\$\$\$\$	\$\$\$\$
Office Supplies- includes postage, printing, copying and paper	\$\$\$\$	\$\$\$\$
File cabinets, desk, chairs	\$\$\$\$	\$\$\$\$
Commission approved training	\$\$\$\$	\$\$\$\$
Commission approved travel	\$\$\$\$	\$\$\$\$
THIS YEAR'S TOTAL GRANT REQUEST	\$\$\$\$	
***TOTAL CARRY OVER MONIES This figure represents the amount of money you have not spent as of May 1 when you prepare/submit your application.		\$\$\$\$
THIS YEAR'S TOTAL GRANT AWARD		\$\$\$\$
ADJUSTED GRANT AWARD This figure represents your total carry over monies PLUS your current grant award and is used for accounting purposes only.		\$\$\$\$

DEPARTMENT OF MILITARY AFFAIRS
PERSONAL PROPERTY INVENTORY MAINTENANCE FORM

**ARMORY/BUILDING/FACILITY MANAGER
OR PROPERTY CUSTODIAN
ACCOUNT:**

ACCOUNT NUMBER: _____

DATE: _____

ACTION CODE:	1. ISSUE	2. TURN-IN	3. TRANSFER	4. LOST OR STOLEN	5. REQUESTING PROPERTY
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[illegible]

IF AN ITEM HAS BEEN LOST OR STOLEN, PLEASE CONTACT THE DEPARTMENT'S PROPERTY OFFICER

ARMORY/BUILDING/FACILITY/MANAGER OR PROPERTY CUSTODIAN
AGO FORM KY 26-2 (18 FEB. 97) (PRINT NAME AND ALSO SIGN NAME)

PROPERTY OFFICER

Recommendation on Eligibility Status
for April 1, 200 Notice of Availability
of funds--excludes planning requirement

Eligible _____
Ineligible _____

Signature Date
Grant Review Committee

Recommendation on September 15, 200 Grant
Awards

Eligible _____
Ineligible _____

Signature Date
Grant Review Committee

LEPC ELIGIBILITY CHECKLIST FOR CALENDAR YEAR _____

_____ COUNTY EMERGENCY PLANNING COMMITTEE
CHAIRMAN/AUTHORIZED APPLICANT

_____ 1. Plan Requirements

Plan Improvement Requirement _____
Vulnerable Zone Requirement _____
Annual Certification received _____

Eligible _____
Ineligible _____

Annual Certification letter due dates:

LEPC to AM (April 1st) RECEIVED _____

AM to State (May 1st) RECEIVED _____

_____ 2. Two meetings/year required in calendar year if the LEPC has an EHS. Two sets of minutes must be submitted.

Date of meeting/minutes _____ **Date of meeting/minutes** _____

_____ 3. One meeting/year required in calendar year if the LEPC has NO EHS. One set of minutes must be submitted.

Date of meeting/minutes _____

_____ 4. SARA 324/Public Notice must be published annually in calendar year to include the 24-hour warning number. Date of newspaper ad must be on copy of ad submitted by December 31st of each year.

Date of ad _____

_____ 5. Updated membership list due no later than December 1st of each year. List Chairman.

_____ 6. Bylaws required. If bylaws have been submitted and there have been no changes no action required. If changes, submit through Area Coordinator to KyERC.

_____ 7. Documentation for preceding grant year required. Attach to new grant application. All money awarded must be accounted for--see Guidelines for Local Emergency Planning Committee Grants.

[illegible]